



Mid-Kaweah Groundwater Sustainability Agency

January 8, 2018

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Calif. Department of Water Resources  
P.O. Box 942836  
Sacramento, California 94236

Subject: Comments on Sustainable Management Criteria BMP

Dear Ms. Hersh:

Following are comments on the draft BMP regarding Sustainable Management Criteria by the Mid-Kaweah GSA, a joint powers authority located in the Kaweah Sub-Basin of the greater San Joaquin Valley Basin. Its member agencies include the City of Visalia, City of Tulare and the Tulare Irrigation District. Like many other sub-basins in the region, the Kaweah is deemed in critical overdraft, thus a clear understanding of Sustainable Management Criteria to be incorporated in the preparation of GSPs is of considerable importance to us. Both SGMA and the GSP Emergency Regulations introduce a number of new phrases and terminology, and a common understanding of what these mean and their applicability to sustainable groundwater planning is paramount. The subject matter of this BMP addresses much of this new terminology.

Overall, the draft BMP is clearly written and of sufficient detail to guide GSAs in developing their own criteria in a fashion that is understandable to DWR. More specific comments on Chapter 4 of the BMP follow hereafter. In the absence of page numbers in the draft version of the document, comments are referenced by section headings and sub-headings.

- In the section titled Setting Sustainable Management Criteria is introduced a new term “significant and unreasonable conditions,” which term is further explained later under its own sub-heading in this section. This terminology is not addressed in SGMA or the Regulations, and its relationship to Undesirable Results, Sustainability Indicators and Minimum Thresholds needs more context. As more terminology is introduced into the coordination process and GSP preparations, there occurs an increasing chance that misinterpretations or misapplications of these phrases can result.

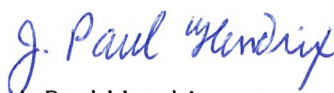
- In the sub-section titled Use of Management Areas, it should be pointed out that their applicability may be for portions of a GSA and not the entire basin in cases where more than one GSA has been established.
- Under the section titled Minimum Thresholds, sub-heading Required Components for all Minimum Thresholds, item 3 deals with thresholds and their effect on adjacent basins. This same consideration applies as among GSAs within the same basin, and language to this effect should be added.
- Under the section titled Minimum Thresholds, sub-heading Required Minimum Threshold Metrics for Each Sustainability Indicator, it is described that the purpose of the metrics is to ensure consistency within groundwater basins and *between adjacent groundwater basins*. While SGMA requires that GSP(s) do not impede the ability to achieve the sustainability goal of an adjacent basin, and the Regulations speak to reconciling differences among basins' Minimum Thresholds, it may be asking too much to ensure complete consistency in these thresholds as between adjacent basins.
- In this same sub-heading as immediately above, second and third bullets, is mentioned that Minimum Thresholds be set for a basin or management area. It should be noted too that these thresholds may be set within a GSA as well, particularly where there is more than one in a basin.
- Under the section titled Minimum Thresholds, sub-heading Examples and Considerations for Minimum Thresholds, Figures 3 and 4 depict changing groundwater levels and change in storage volume through 2040. What might be inferred here is that, by 2040, these metrics are expected to return to levels as they were in 2015, the "SGMA Benchmark Date." It should be recognized that some basins may determine that these metrics would not return to these levels, and may in fact be lower by 2040, albeit sustainable by that time. Particularly for larger and more complex basins in critical overdraft, the time required for GSAs to set up adequate monitoring networks, reliable extraction measurement methods, and acceptable pumping allocations and associated enforcement powers may be such that stabilizing these metrics requires the full 20-year GSP implementation period to do so.
- Under the section titled Undesirable Results, sub-heading Experiencing Undesirable Results, it is stated that avoidance of defined Undesirable Results *must* be achieved within 20 years of GSP implementation. It should be acknowledged that, with a showing of good cause as identified in SGMA §10727.2(b)(3), up to two five-year extensions of time may be granted.
- In the same sub-heading as immediately above, it is stated that failure to achieve a basin's Sustainability Goal within 20 years will result in DWR's deeming a GSP to be inadequate. Additional context should be added here in situations involving multiple GSAs and GSPs and their interrelationship as established in the corresponding Coordination Agreement. DWR may consider why failure has resulted, and which GSAs have exceeded their established Minimum Thresholds to a degree that caused the basin to not fully eliminate the occurrence of Undesirable Results.
- Under the section titled Undesirable Results, sub-heading Example of Undesirable Results, are several scenarios of how the Measurable Objective, Minimum Threshold, and Interim Milestones shown in Figure 10 play out relative to conditions at the time of the "GSP Adoption Date" in 2020. Similar to the comment made under the Minimum Thresholds

section, it is portrayed in this figure that the Minimum Threshold and Measurable Objective for groundwater levels are at or higher than their status as of 2020. For the reasons stated above, it should be noted that groundwater levels may not practically be stabilized at conditions as of today or 2020. However, the average *rate of decline* in levels by 2040 (absent any approved time extensions) should be arrested for a basin to reach its Sustainability Goal and elimination of Undesirable Results.

- In the same sub-heading as immediately above, the descriptions of Scenarios 1 and 2 seem to imply that Undesirable Results were ultimately avoided because "Groundwater levels at all sites are at or above the Measurable Objective at the end of the 20-year period." Elsewhere in this section, and consistent with our understanding of SGMA and the Regulations, Undesirable Results are avoided when the exceedance of Minimum Thresholds does not occur by the end of the 20-year period. Clarity in the text in this regard should be incorporated in this section.
- Under the section titled Measurable Objectives, sub-heading The Path to Sustainable Groundwater Management, discussed are several paths to achieve sustainability by 2040 with respect to groundwater levels. Path A depicts an approach that, while not perhaps ideal, reflects the reality that, for some basins, it may take the full 20-year implementation period to stabilize levels and implement all projects and management actions to stop any average rate of decline in levels thereafter. GSA decisions to choose this path or others will be in recognition of stakeholder input and adverse consequences of selecting one path relative to others, and we support DWR's notations herein that a path to sustainability is as determined by each GSA within the context of a given sub-basin's Sustainability Goal.
- Under the section titled Sustainability Goal and at the end thereof, it is stated that most of this goal can only be finalized after Undesirable Results and Minimum Thresholds have been defined, and projects and management actions and their implementation have been identified and assessed. The GSAs and stakeholders in some basins may approach this differently, and choose to define a qualitative Sustainability Goal and set of Undesirable Results early on, and then proceed to develop Measurable Objectives and Minimum Thresholds that work to satisfy them. Starting from a broader objective may help to ensure that multiple GSPs do not materialize that are not complementary nor that do not work in concert to achieve the basin-wide Sustainability Goal or avoid Undesirable Results. An effective Coordination Agreement is likely to address the Sustainability Goal and Undesirable Results and, in the Kaweah Sub-Basin, much of the content of this agreement is envisioned to come first before the projects and management actions of individual GSPs are laid out.

Thank you for the opportunity to provide comments on this draft BMP. We look forward to continued communications with DWR as our collective efforts to comply with SGMA proceed.

Sincerely,



J. Paul Hendrix  
Manager